



STEVE BESHEAR  
GOVERNOR

DEPARTMENT OF VETERANS AFFAIRS  
OFFICE OF THE COMMISSIONER  
1111B LOUISVILLE ROAD  
FRANKFORT, KENTUCKY 40601  
(502) 564-9203 FAX: (502) 564-9240  
[HTTP://VETERANS.KY.GOV/](http://veterans.ky.gov/)

KEN LUCAS  
COMMISSIONER

August 26, 2010

Secretary Nikki R. Jackson  
Personnel Cabinet  
501 High Street  
Frankfort, KY 40601

RE: Proposed Furlough Implementation for Kentucky Department of Veterans Affairs (KDVA)

Dear Secretary Jackson:

Please find enclosed per the regulatory requirements set forth within 101 KAR 5:015E the KDVA proposed furlough implementation plan related to the mandated shut-down date of September 3, 2010 for your review and approval. Enclosed within these documents are the following:

- The designation of individuals responsible for the oversight and administration of these furloughs with enclosed designation forms
- The proposed manner of how furloughs will be applied to all employees, classified and unclassified
- A specific request for flexibility with reference to furlough of selected Veterans Nursing Home staff along with appropriate justification
- Certifications that furloughs will be applied in compliance with the requirements established by 101 KAR 5:015E
- A copy of the sample notice that each employee will receive at least seven (7) days prior to any period of furlough
- A copy of the sample waiver that an employee may submit in order to designate a mutually agreed upon day as a furlough day with less than the requisite seven (7) day notice.
- A copy of the sample notice to employees in job classifications approved for exception in which an alternate furlough date is designated.

If you have any questions regarding this material, the lead contact for the KDVA proposed furlough plan is Honor Barker at (502) 564-9203.

Sincerely,

A handwritten signature in cursive script that reads "Ken Lucas".

Kenneth R. Lucas  
Commissioner

Enclosures as stated

**KENTUCKY DEPARTMENT OF VETERANS AFFAIRS**  
**FURLOUGH PLAN – AS IT RELATES TO SEPTEMBER 3, 2010**

**I. DESIGNATION OF APPOINTING AUTHORITIES**

Pursuant to the authority provided in 101 KAR 5:015E and 2010 Extra. Sess. Ky. Acts ch. 1, Part IV, 11, the Kentucky Department of Veterans Affairs has deemed it appropriate to designate additional individuals to be responsible for the oversight and implementation of the proposed furlough plan. These individuals will be responsible for ensuring that notice will be provided to employees and may accept and review any requests for voluntary furlough or any waivers of formal notices. No other individuals other than those designated in writing have the authority to take such actions related to furloughs. Additionally, these designated individuals will ensure that furlough time is appropriately monitored and taken by agency employees.

<u>Name of designated employee(s)</u>	<u>Official Title</u>	<u>Specific Org Units For Which Have Authority</u>
Margaret S. Plattner	Deputy Commissioner	Department-wide (all of 31-074)
Gilda Hill	OKVC Executive Director	OKVC-wide (all of 31-074-02)
Valarie Kincaid	Administrator	Thomson-Hood Veterans Center (31-074-02-06)
Judith Branham	Administrator	Paul E. Patton Eastern Kentucky Veterans Center (31-074-02-07)
Lori Hardwick Hill	Administrator	Joseph Eddie Ballard Western Kentucky Veterans Center (31-074-02-08)

The written designations are enclosed with this proposed plan and will be maintained with the Personnel Cabinet. If necessary, additions or changes may be made to these designations, and these changes will only be made to the designations on file with the Personnel Cabinet rather than require an entire change to this proposed plan.

**II. APPLICATION OF FURLOUGH DATES**

**NOTE: this Plan addresses the state-designated shut-down day of September 3, 2010. The two (2) remaining shut-down days of November 12, 2010 and May 27, 2011 will be addressed in the full Plan submitted on September 10, 2010 along with the Plan for the three non-designated furlough days.**

The KDVA Plan complies with the mandatory shut-down day of September 3, 2010 with the exception of the following listed employment units within a Kentucky Veterans Center (nursing home). Employees of the following excepted units are essential to continued operations and subject to working holidays, weekends, shift and mandatory overtime assignments: Medical, Nursing, Dietary, Security, Maintenance, Housekeeping/Laundry

On September 3, 2010 all offices and facilities other than veterans nursing homes will be closed and all employees, including any contract workers, of those offices will not report to work. Written notice has already been provided to each employee of these mandated dates, as previously certified to the Personnel Cabinet.

Determining the manner in which furlough hours will be applied throughout the Department was a daunting and difficult task in consideration of 24/7 operations in our long-term care facilities, and the residents of those facilities in need of care and for whom we are responsible to provide skilled nursing and quality of life services. Many discussions were held and a great deal of coordination took place among the KDVA leadership team with input coming from every corner. A great deal of thought was put into implementation of this regulation and its applicability to all facets of our organization prior to formulation of our plan and it was ultimately determined that maximum flexibility would be necessary for those organizational components whose continued operations are absolutely essential to ensure the life, safety, or health of our veteran residents.

Therefore, select units of our Kentucky Veterans Centers (Nursing Homes) employing individuals subject to 24/7 operations, shift hours, and whose workdays include holidays, are requesting flexibility in scheduling in order to maintain standards of care deserved by residents, paid for by their families and in many cases required by law. Specifically, those select units involve Medical, Nursing, Dietary, Security, Maintenance, and Housekeeping/Laundry and involve approximately 550 employees (~75% of the agency).

For those employment units requiring an exception to the shut-down dates, the KDVA Plan proposes to implement the required furloughs in the following manner. Employees of select units (Medical, Nursing, Dietary, Security, Maintenance, and Housekeeping/Laundry) will be assigned a furlough day in accordance with one of the following options:

- On another regularly scheduled workday within the designated month (September 2010) with appropriate notice at least seven days in advance of the furlough date; or
- On an established workday upon which leave is properly requested by the employee and approved by the supervisor, when having properly waived the right to notice requirements prescribed by 101 KAR 5:015.

Most essential employees will be assigned a separate day to provide coverage for a furloughed co-worker. Coverage provided for employees requesting a furlough day in lieu of a regular leave day will be considered part of normal operations and thus not a reflection of additional cost. Though exact numbers are not yet known, most employees working to provide coverage for furloughed co-workers will be compensated by accrual of compensatory leave time.

KDVA will manage furloughs in compliance with the regulatory requirements and will provide notice to its employees of the furlough dates which are different from the shut-down dates.

The agency acknowledges the possibility that an emergency situation or exigent circumstance may result in an employee reporting to work during a scheduled furlough day. Such an instance may occur as a result of failure to report on part of an employee scheduled to work in lieu of a furloughed employee, or in the case of an emergency situation or unforeseen circumstance which cannot otherwise be managed. Such events are anticipated to potentially occur within one of the following job classifications: Commissioner, Deputy Commissioner, Network Analyst, OKVC Executive Director, facility Administrator, facility Assistant Administrator, Medical Director, Nurse Practitioner, and classifications associated with veterans cemetery operations or within the classifications series of Nursing, Maintenance, Security, or Housekeeping. The

Appointing Authority designee for the respective organizational units will be responsible for verifying that such emergency or exigent circumstance existed on the particular furlough days impacted.

III. CONTRACT WORKERS


KDVA certifies that applicable contract workers who are subject to a reduction of hours associated with the furlough plan shall have their hours reduced in the same manner as state employees during the non-designated months as described within this plan. Additionally, contract workers will not be used to work in lieu of, or to perform the duties of, a furloughed employee due to the furlough.

IV. REQUIRED CERTIFICATIONS


Please certify, by initial of Cabinet or Independent Agency head, that the statements are true:

We will not involuntarily furlough any employee more than twenty-four (24) work hours in a six (6) month calendar period, as provided in this subsection:

- Employees regularly assigned to a 40-hour work schedule shall be involuntarily furloughed no more than three (3) work days or twenty-four (24) work hours; and
- All remaining employees on different work schedules shall be involuntarily furloughed in a manner to achieve an equivalent reduction of hours and corresponding pay, which shall be set forth in the furlough plan provided by the Cabinet Secretary or Independent Agency head and approved by the Secretary of Personnel.

  
(INITIALS)


We will not involuntarily furlough any employee more than 20 percent of an employee's scheduled work hours in any one work week.

  
(INITIALS)

Employees will not be permitted to utilize accrued leave balances in lieu of a temporary reduction of hours without pay.

  
(INITIALS)

During the period of furlough, no contractor will receive either additional duties typically performed by a furloughed employee or work additional hours due to the furlough of a state employee.

  
(INITIALS).

**Waiver of Furlough Notification**

I am aware that 101 KAR 5:105E prescribes that notice will be given seven (7) calendar days prior to a date of furlough and I understand that I am entitled to such notice.

However, as an employee of the Department of Veterans Affairs designated as essential to continued operations in a 24/7 long-term care facility, I am conscious of the fact that someone will be required to provide coverage for my absence and for this reason I am voluntarily waiving my right to the seven (7) day notice in order to designate the date of an unanticipated absence as a furlough date, when deemed mutually advantageous to me and the organization, and upon approval by the Appointing Authority.

Therefore, effective at the date of signature, I now voluntarily and knowingly agree to waive my seven (7) day notice requirement prior to the date of furlough.

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**Employee Name (printed)**

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**Employee Name (signature)**

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**Date**

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**Effective date of furlough**

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**Appointing Authority**

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**Date**

FACILITY LETTERHEAD

DATE

*Employee Name*

*Employee Address*

*CityStateZip*

RE: Notice of REVISED Furlough Date

Dear *Employee Name:*

Pursuant to 101 KAR 5:015E, this correspondence shall serve as official notice of your revised furlough date. Your position in the facility is NOT exempted from the Commonwealth's fiscal year 2011 Furlough Plans but HAS been approved for exception—meaning that alternative dates can be assigned in lieu of the state-designated shut-down dates.

As you well know, the Veterans Centers need to maintain appropriate staff to ensure continued 24/7 operations and direct care needed to ensure the life, health, and safety of the residents. Therefore, you shall report to work on September 3, 2010 (the Commonwealth's first mandated shut-down date).

Instead, you shall be furloughed on an alternate date to be disclosed to you in writing at least seven (7) days prior to the furlough date unless that right has been formally waived. Your hours on the designated dates(s) will be temporarily reduced without pay and you should not report to work on your scheduled furlough date unless your supervisor contacts you to respond to an emergency situation.

As provided in 101 KAR 5:015E, this is not an appealable action.

If you have any questions regarding the above-referenced information, please feel free to contact *[your facility HR officer]*.

Sincerely,

Facility Administrator  
And Appointing Authority

CC: Agency Personnel File

FACILITY LETTERHEAD

DATE

Employee Name  
Employee Address  
CityStateZip

RE: Notice of Agency Furlough Plan Exception

Dear \_\_\_\_\_:

Pursuant to 101 KAR 5:015E, this letter shall serve as official notice that your job classification in your employment unit has been excepted from the general provisions of the Commonwealth's fiscal year 2011 Furlough Plans. Exceptions have been provided when well-justified and in your case specifically because your position is required for continued 24/7 operations and to ensure the life, health, or safety of our veteran residents. Therefore, the notice you received with your August 13, 2010 paycheck and other formal notices pertaining to designated furlough dates do not pertain to you. You will receive information directed to you that will specify the circumstances that pertain to you individually.

Accordingly, you shall report to work until your supervisor directs otherwise and you have received specific instructions on how the furlough provision applies to you.

As provided in 101 KAR 5:015E, this is not an appealable action.

If you have any questions regarding the above-referenced information, please feel free to contact [facility human resource officer].

Sincerely,

Facility Administrator  
and Furlough Appointing Authority

CC: Agency Personnel File